

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KONATA MATTHEWS,)	
)	Civil Action No. 11 – 221J
Plaintiff,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
JEFFREY BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

AND NOW, this 27th day of March, 2013;

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss (ECF No. 55) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff’s claims are dismissed with prejudice. Plaintiff is not permitted to further amend his complaint as it is clear that granting him leave to do so would be futile. *See Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 251 (3d Cir. 2007); *see also Alston v. Parker*, 363 F.3d 229, 235 (3d Cir. 2004) (asserting that where a complaint is vulnerable to dismissal pursuant to 12(b)(6), the district court must offer the opportunity to amend unless it would be inequitable or futile).

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

A handwritten signature in black ink, appearing to read 'Lisa P. Lenihan', written over a horizontal line.

Lisa Pupo Lenihan
Chief United States Magistrate Judge

cc: Konata Matthews
EL-4568
SCI Houtzdale
P.O. Box 1000
Houtzdale, PA 16698

Counsel of Record